

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICKY PATU,

Plaintiff,

v.

LONN TURNER,

Defendant.

CASE NO. C15-1049 MJP

ORDER ADOPTING REPORT AND
RECOMMENDATION

THIS MATTER comes before the Court on the Report and Recommendation (“R&R”) of the Honorable Magistrate Judge James P. Donohue recommending dismissal of Plaintiff’s Amended Complaint and this action without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim. (Dkt. No. 8.)

The Report and Recommendation to dismiss without prejudice is based on the fact that Plaintiff’s Amended Complaint does not adequately allege any violation of his Eighth Amendment rights. (Dkt. No. 8.) Although Plaintiff has not filed objections to Judge Donohue’s R&R, he has filed a Second Amended Complaint, (Dkt. No. 9), which, among other things, fails

1 to allege a wrongdoing that is objectively “sufficiently serious” to establish a constitutional
2 violation. Farmer v. Brennan, 511 U.S. 825, 834 (1994).

3 The Court, therefore, ADOPTS the Report and Recommendation. Plaintiff’s Amended
4 Complaint (Dkt. No. 7) and/or Second Amended Complaint (Dkt. No. 9) and this action are
5 DISMISSED without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim.

6 The clerk is ordered to provide copies of this Order to Plaintiff.

7 Dated this 8th day of October, 2015.

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10 Marsha J. Pechman
11 United States District Judge
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